

Attorney's Docket No.: 81862P072



Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of:

David. A. Hughes et al.

Examiner: A. Hsu

Application No.: 08/825,492

Art Group: 2738

Filing Date: March 28, 1997

For: SCHEME FOR MERGING PARTIALLY FILED
ATM CELLS

RECEIVED

DEC 15 2000

Technology Center 2600

Assistant Commissioner for Patents
Washington, D.C. 20231

REPLY BRIEF

Sir:

In response to the Examiner's Answer mailed October 12, 2000, please consider this Appeal in light of the following.

The Examiner has erroneously maintained the assertion that the present specification fails to support the claimed feature of including information indicative of a merging method used in the header of an ATM cell. While it is true that the specification does describe ways in which information regarding the number of cells being merged may be included, it is also true that the specification supports the claimed feature of including information indicative of the merging method. For example, at p. 7, l. 24 it is indicated that the header of a merged cell will contain all the information necessary to reconstruct the original cells at the receiving end. This may include, among other things, "delineation information indicating the boundary of the original cells in the merged cell". See, specification at p. 7, l. 26 - pg. 8, l. 1. Further, at p. 8, l. 17, the specification explains that among the more elaborate indexing schemes to be used are those which allow for merging of multiple sub-cells of different lengths. It should be self-evident then that where

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multiple sub-cells of different lengths are being merged and information indicating the boundaries of such cells are used in the header, information indicative of the merging method is being included in the header of the merge cell. To make the matter fully clear, at p. 8, l. 26, the specification explains that the VCI of the merged cell could be used to represent the merging method. This would allow for multiple merging methods to be supported on a single link. See, specification at p. 8, l. 26-p. 9, l. 3. In short then, the specification more than adequately supports the claimed feature of including information indicative of a merging method in the header of the merged ATM cell.

Regarding the rejection of the claims in light of Takashima, the Examiner's argument fails because, as identified above, the claimed information indicative of the merging method which is found in the header of the merged ATM cell is more than just information including the number of cells in the merged cell. For example, the use of a separate VCI according to the merging method would communicate more than just the number of merged cells. For at least these reasons, the claims are patentable over Takashima.

Regarding the rejection of the claims under 35 U.S.C. § 101, it must be recognized that an ATM cell is more than just a mere data structure. It is in fact the communication medium by which ATM devices exchange information. Thus, when information is communicated across communication links such as optical fibers and the like, the information exists only as an ATM cell and, accordingly, this cell is an article worthy of separate patentability. The electrical or optical signals which may define the information included in the cell as it is carried along in a communication medium may also be separately patentable, however, the cell as whole, as the sum total embodiment of that information, is a physical thing and thus may be separately patented.

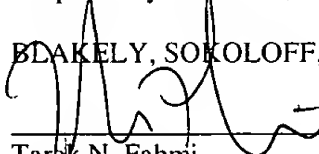
For all the forgoing reasons, it is respectfully requested that the board reverse the Examiner's rejection and direct allowance of all the pending claims.

Date: 12/8, 2000

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Respectfully submitted,

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